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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,630	09/26/2001	Philippe Gentric	PHFR 000100	9728

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIN, KYUNG H

ART UNIT PAPER NUMBER

2143

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n N .</b> 09/963,630	<b>Applicant(s)</b> GENTRIC, PHILIPPE	
	<b>Examin r</b> Kyung H Shin	<b>Art Unit</b> 2143	

**-- The MAILING DATE f this communication appears n the cover sheet with the correspondence address --**

**Peri d for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responding to application papers filed 6/29/2001
2. Claims 1 - 7 are pending. Independent claims are 1.

#### ***Claim Rejection - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 - 7 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ellis et al. (US Patent No. 6,774,926).**

**Regarding Claim 1**, Ellis discloses a receiver of data coming from many programs, the receiver comprising a first program receiving device, characterized in that the receiver moreover comprises a plurality of other program receiving devices for receiving programs according to a pre-established criterion. (see Ellis Figure 1 (36 and 38); col. 1, lines 26-35; col. 3, lines 19-23; col. 9, lines 16-19: multiple viewers utilizing user equipment (receivers) for channels (programs), a list of channels is developed based on user preferences (pre-established criterion) such as users preferences (i.e. favorites), user profile parameters)

**Regarding Claim 2**, Ellis discloses a receiver as claimed in claim 1, characterized in that it comprises a program indication element which shows a list of the programs that correspond to said pre-established criterion. (see Ellis col. 3, lines 19-23; col. 13, lines 29-35, col. 13, lines 51-53: list of channels (programs) display based on predetermined set of rules (pre-established criterion) such as specific user preferences and user profile parameters (i.e. favorites))

**Regarding Claim 3**, Ellis discloses a receiver as claimed in claim 1 or 2, characterized in that the pre-established criterion corresponds to a certain number of programs higher than the number of receiving devices and in that the receiver comprises a program indication element which shows the list of a part of the programs evolving as a function of the user's choice. (see Ellis col. 13, lines 29-35, col. 13, lines 51-53; col. 9, lines 16-19: each user generates personal channels (programs) in addition to standard (broadcast) channels, total number of channels is greater than number of user equipment (receivers), list of programs generated based on user preferences)

**Regarding Claim 4**, Ellis discloses a receiver as claimed in one of the claims 1 to 3, characterized in that the access of the programs takes place in a sequential manner by clearing and loading one of the receiving devices. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels

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(programs) using user interface, user equipment (receiver) tuned to new channel after channel selection is completed, channel selection can be sequential)

**Regarding Claim 5**, Ellis discloses a receiver as claimed in one of the claims 1 to 4, characterized in that the programs come from the Internet. (see Ellis col. 1, lines 32-35; col. 3, lines 30-33: communications utilizing the Internet)

**Regarding Claim 6**, Ellis discloses a method of receiving data coming from many programs used in a receiver as claimed in one of the claims 1 to 4, characterized in that it comprises the following steps:

- a) making up a list of programs that may be received, (see Ellis col. 13, lines 29-35; col. 13, lines 51-53: list of channels (programs) generated)
- b) simultaneously receiving a plurality of programs of said list, (see Ellis col. 15, lines 40-47: simultaneous display of channel (program) and related channel (program) information)
- c) selecting one of the programs from said plurality. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface, user equipment (receiver) tuned to new channel)

**Regarding Claim 7**, Ellis discloses a method as claimed in claim 6, characterized in that a change of said plurality clears at least one reception to receive another program of said list. (see Ellis col. 9, lines 41-44; col. 9, line 61 - col. 10, line 16: access to selected channels (programs) using user interface,

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user equipment (receiver) tuned to new channel after channel selection is completed)

### Conclusion

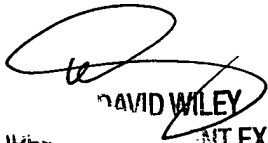
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS  
Kyung H Shin  
Patent Examiner  
Art Unit 2143

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Jan. 4, 2005

  
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